

John J. Flood Bio & Jim McGough (Biography)

6304 N Francisco Av

Chicago. Il 60659

773-878-1002(tel)

RRM:DRA

F. #2002R00742

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

S U P E R S E D I N G

I N F O R M A T I O N

- against FREDERICK CONTINI,  
Defendant.

Cr. No. 02-457 (S-3) (DGT)  
(T. 18, U.S.C., §§ 1962(d),  
1963 and 3551 et seq.)

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THE UNITED STATES ATTORNEY CHARGES:

INTRODUCTION TO ALL COUNTS At all times

relevant to this Superseding Information, unless  
otherwise indicated:

I. The Enterprise

1. The members and associates of the Gambino organized  
crime family of La Cosa Nostra (the "Gambino Family")

constituted an "enterprise," as that term is defined in Title 18, United States Code, Section 1961(1), that is, a group of individuals associated in fact that engaged in, and the activities of which affected, interstate and foreign commerce. The Gambino Family operated in the Eastern District of New York and elsewhere. The enterprise constituted an ongoing organization whose members functioned as a continuing unit for a common purpose of achieving the objectives of the enterprise.

2. The Gambino Family was part of a nationwide criminal organization known by various names, including the "mafia" and "La Cosa Nostra," which operated through entities known as "families." The ruling body of this nationwide organization was known as the "Commission," the membership of which at various times has included the bosses of the five New York City-based families, to wit: the Bonanno, Colombo, Gambino, Genovese and Luchese organized crime families.

1. The Gambino Family consisted of groups of individuals headed by "captains," who were also referred to as "skippers." These groups, which were referred to as "crews," were comprised of "made" members of the Gambino Family, who were referred to as "soldiers," "friends of ours," "good fellows" and "buttons," and associates of the Gambino Family. Certain crew members maintained their own crew of associates to assist them in carrying out their criminal activity.

2. Each captain was responsible for supervising the criminal activities of his crew and providing crew members with support and protection. In return, the captain received a share of the earnings of each of the crew's members and associates.

1. Above the captains were the three highest-ranking members of the Gambino Family, collectively referred to as the administration. The head of the Gambino Family, who was known as the "boss," was assisted by an "underboss" and a counselor, who was known as the "consigliere." With the assistance of the

2. underboss and consigliere, the boss was responsible for setting policy, resolving disputes between members of the Gambino Family and members of other criminal organizations, and approving significant actions by members of the Gambino Family. When a member of the administration was unable to fulfill his criminal responsibilities because of incarceration, ill health or other reason, a member of the Gambino Family was often appointed to that position in an acting capacity.

3. The boss, underboss and consigliere of the Gambino Family supervised, supported, protected and disciplined the captains, soldiers and associates and regularly received reports regarding the activities of the members and associates of the Gambino Family. In return for their supervision and protection, the boss, underboss and consigliere received part of the illegal earnings of each crew.

4. At various times relevant to this Superseding Information, the defendant FREDERICK CONTINI was an associate of the Gambino Family. John Doe #1, whose identity is known to the United States Attorney, was a soldier in the Gambino Family. John Doe #2, whose identity is known to the United States Attorney and who was the son of John Doe #1, was an associate of the Gambino Family.

## II. The Purposes, Methods and Means of the Enterprise

8. The principal purpose of the enterprise was to generate money for its members and associates. Additionally, members of the enterprise engaged in conduct designed to prevent government detection of their identities, their illegal activities and the proceeds of those activities. These purposes were implemented by members and associates of the enterprise through various criminal activities, including extortion, fraud, money laundering and obstruction of justice. Among other methods and means by which the members of the enterprise furthered its criminal activities were express and implied threats of economic injury and physical violence.

## III. CONTINI's Role in the Enterprise

### A. In General

1. At various times beginning in or about 1989, the defendant FREDERICK CONTINI was employed as a builder, contractor and developer in the New York and New Jersey construction industries. In that capacity, and in his capacity

as an associate of the Gambino Family, CONTINI obtained numerous contracts to build or renovate buildings in New York and New Jersey (the "Projects"). Although he in fact performed work on the Projects, CONTINI also obtained money from real estate holders and developers through various fraudulent means, including omissions of material fact, false representations and

2. bid rigging.

2. As part of CONTINI's obligations as an associate of the Gambino Family, he was required to deliver a portion of the funds obtained from the Projects as "tribute," payable to various members and associates of the Gambino Family. He fulfilled this obligation on numerous occasions and on numerous Projects between approximately 1989 and 2001.

B. 2 Broadway

1. One of the Projects in which CONTINI and members and associates of the Gambino Family engaged in various forms of fraud was the renovation of the office building located at 2 Broadway, New York, New York ("2 Broadway"). 2 Broadway, owned by Zar Realty Management Corp. ("Zar"), was being renovated under the direction of the Metropolitan Transportation Authority ("MTA"). Through various separate schemes involving numerous different contracts, CONTINI and others engaged in massive criminal activity involving fraud, kickbacks and extortion, the result of which was to defraud the MTA and Zar out of substantially more than \$10 million.

2. Among the contracts that involved fraud, kickbacks or extortion at 2 Broadway were the following:

Contract	Contractor
Operators for TemporaryConstruction Elevators	Links Construction
Anchorage Remediation, Demolition, Construction	Building Matrix
Elevator Installation and Renovation	World Elevator
Demolition	5 Boro Construction
Demolition	Building Core
Demolition	Covin Management
Asbestos Removal and Demolition	Acoustic Technology
Steel and Demolition	Inter Metal Fabricators
Bathrooms, Mailroom andDemolition	Halpern Construction
Fireproofing and Manual Labor	Integrated Construction

#### C. City Check Cashing

1. 144 Enterprises, LLC, doing business as City Check Cashing ("City Check"), was a Jersey City, New Jersey company licensed to cash checks in that state. City Check was controlled by Robert Santoro, an associate of the Genovese Family, and was regularly used by members and associates of

organized crime families to launder the proceeds of their illegal activities.

2. RACKETEERING CONSPIRACY

2. The allegations contained in paragraphs 1 through 13 are realleged and incorporated as if fully set forth in this paragraph.

3. In or about and between 1988 and August 2003, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others, being a person employed by and associated with the Gambino Family, an enterprise that engaged in, and the activities of which affected, interstate and foreign commerce, knowingly and intentionally conspired to violate Title 18, United States Code, Section 1962(c), that is, to conduct and participate, directly and indirectly, in the conduct of the affairs of that enterprise through a pattern of racketeering activity, as defined in Title 18, United States Code, Sections 1961(1) and (5).

1. The pattern of racketeering activity through which the defendant FREDERICK CONTINI agreed to conduct the affairs of the enterprise consisted of the racketeering acts set forth below as racketeering acts 1 through 9 of this Superseding Information. The defendant agreed that at least two acts of racketeering would be committed by a conspirator in the conduct of the affairs of the enterprise.

2. RACKETEERING ACT ONE (Money Laundering Conspiracy - Tribute to Gambino Family Members and Associates)

3. In or about and between 1989 and 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others, did knowingly and intentionally conspire to conduct financial transactions, in and affecting interstate commerce, which in fact involved the proceeds of specified unlawful activity, to wit: interstate transportation of property converted and obtained by fraud, in violation of Title 18, United States Code, Section 2314, wire fraud, in violation of Title 18, United States Code, Section 1343, and mail fraud, in violation of Title 18, United States Code, Section 1341, knowing that the property involved in the financial transactions, to wit: cash paid as tribute to members and associates of the Gambino Family, represented the proceeds of some form of unlawful activity, with the intent to promote the carrying on of the specified unlawful activity, in violation of Title 18, United States Code, Section 1956(a)(1)(A)(i), in violation of Title 18, United States Code, Section 1956(h).

4. RACKETEERING ACT TWO (Links Construction - 2 Broadway)

4. The defendant FREDERICK CONTINI committed the following acts, either one of which alone constitutes racketeering act two:

- A. Interstate Transportation of Checks Fraudulently Obtained from the MTA Payable to Links Construction



19. In or about and between March 1999 and April 2000, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others, did knowingly and intentionally transport, transmit, and transfer in interstate and foreign commerce securities and money in excess of \$5,000, to wit: checks from the MTA transported to City Check, knowing the same to have been stolen, converted and taken by fraud, in violation of Title 18, United States Code, Sections 2314 and 2.

B. Money Laundering

20. In or about and between March 1999 and April 2000, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others, did knowingly and intentionally conduct financial transactions, in and affecting interstate commerce, which in fact involved the proceeds of specified unlawful activity, to wit: interstate transportation of property converted and obtained by fraud, in violation of Title 18, United States Code, Section 2314, wire fraud, in violation of Title 18, United States Code, Section 1343 and mail fraud, in violation of Title 18, United States Code, Section 1341, knowing that the property involved in the financial transactions, to wit: MTA and Links Construction checks negotiated at City Check, represented

the proceeds of some form of unlawful activity, (a) with the intent to promote the carrying on of the specified unlawful activity, and (b) knowing that the financial transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i) and 1956(a)(1)(B)(i).

RACKETEERING ACT THREE (Interstate Transportation of Property Obtained By Fraud 5 Boro Construction - 2 Broadway)

1. In or about and between February 1999 and September 2001, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others including John Doe #2, did knowingly and intentionally transport, transmit, and transfer in interstate and foreign commerce securities and money in excess of \$5,000, to wit: funds fraudulently obtained by 5 Boro Construction transported to Pennsylvania by John Doe #2, knowing the same to have been stolen, converted and taken by fraud, in violation of Title 18, United States Code, Sections 2314 and 2.

2. RACKETEERING ACT FOUR (World Elevator - 2 Broadway)

2. The defendant FREDERICK CONTINI committed the following acts, any one of which alone constitutes racketeering

act four:

A. Extortion

23. In or about September 1999, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others, knowingly and intentionally obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant obtained money, to wit: approximately \$101,500, from John Doe #3, an individual whose identity is known to the United States Attorney, with the consent of John Doe #3, which consent was induced through wrongful use of actual and threatened fear, in violation of Title 18, United States Code, Sections 1951(a) and 2.

B. Interstate Transportation of Property Obtained By Fraud

24. On or about September 17, 1999, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others, did knowingly and intentionally transport, transmit, and transfer in interstate and foreign commerce securities and money in excess of \$5,000, to wit: a check in the amount of \$101,500 payable to On-the-Job Carpentry, which was transported to City Check, knowing the proceeds of the check to have been stolen, converted and taken by fraud, in violation of Title 18, United States Code, Sections 2314 and 2.

C. Money Laundering

1. On or about September 17, 1999, within the District of New Jersey and elsewhere, the defendant FREDERICK CONTINI, together with others, did knowingly and intentionally conduct a financial transaction, in and affecting interstate commerce, which in fact involved the proceeds of specified unlawful activity, to wit: extortion, in violation of Title 18, United States Code, Section 1951(a) and interstate transportation of property converted and obtained by fraud, in violation of Title 18, United States Code, Section 2314, knowing that the property involved in the financial transaction, to wit: a check in the amount of \$101,500 payable to On-the-Job Carpentry and negotiated at City Check, represented the proceeds of some form of unlawful activity, and knowing that the financial transaction was designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

2. RACKETEERING ACT FIVE (Inter Metal Fabricators - 2 Broadway)

2. The defendant FREDERICK CONTINI committed the following acts, either one of which alone constitutes racketeering act five:

A. Extortion

27. In or about and between March 1999 and April 20,

2000, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others, knowingly and intentionally obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant and others obtained money, to wit: approximately \$209,240.40, from John Doe #4, an individual whose identity is known to the United States Attorney, with the consent of John Doe #4, which consent was induced through wrongful use of actual and threatened fear, in violation of Title 18, United States Code, Sections 1951(a) and 2.

B. Interstate Transportation of Property Obtained By Fraud

28. On or about April 20, 2000, within the Southern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others, did knowingly and intentionally transport, transmit, and transfer in interstate and foreign commerce securities and money in excess of \$5,000, to wit: a check from Inter Metal Fabricators to On-the-Job Carpentry in the amount of \$209,240.40, which was transported to City Check, knowing the proceeds of the check to have been converted and taken by fraud, in violation of Title 18, United States Code, Sections 2314 and 2.

C. Money Laundering

29. On or about April 20, 2000, within the District of New Jersey and elsewhere, the defendant FREDERICK CONTINI, together with others, did knowingly and intentionally conduct a financial transaction, in and affecting interstate commerce, which in fact involved the proceeds of specified unlawful activity, to wit: extortion, in violation of Title 18, United States Code, Section 1951(a) and interstate transportation of property converted and obtained by fraud, in violation of Title 18, United States Code, Section 2314, knowing that the property involved in the financial transaction, to wit: a check in the amount of \$209,294.40, payable to On-the-Job Carpentry and negotiated at City Check, represented the proceeds of some form of unlawful activity, (a) with the intent to promote the carrying on of the specified unlawful activity, and (b) knowing that the financial transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(A)(i), 1956(a)(1)(B)(i) and 2.

RACKETEERING ACT SIX (Covin Management - 2 Broadway)

30. The defendant FREDERICK CONTINI committed the following acts, either one of which alone constitutes racketeering act six:

A. Interstate Transportation of Property Obtained By Fraud

31. In or about and between July 1998 and March 2000, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others, did knowingly and intentionally transport, transmit, and transfer in interstate and foreign commerce securities and money in excess of \$5,000, to wit: checks payable to Covin Management and transported to City Check, knowing the same to have been stolen, converted and taken by fraud, in violation of Title 18, United States Code, Sections 2314 and 2.

B. Unlawful Monetary Transactions

1. In or about and between July 1998 and March 2000, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others, did knowingly and intentionally engage in monetary transactions, in and affecting interstate commerce, in criminally derived property that was of a value greater than \$10,000 and that was derived from specified unlawful activity, to wit: interstate transportation of property converted and obtained by fraud, in violation of Title 18, United States Code, Section 2314, all in violation of Title 18, United States Code, Sections 1957 and 2.

2. RACKETEERING ACT SEVEN (Extortion - Building Matrix)

2. The defendant FREDERICK CONTINI committed the following acts, either one of which alone constitutes racketeering act seven:

A. Extortion

34. In or about October 1999, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others including John Doe #1 and John Doe #2, knowingly and intentionally obstructed, delayed and affected commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant and others obtained money, to wit: approximately \$201,000, from John Doe #5, an individual whose identity is known to the United States Attorney, with the consent of John Doe #5, which consent was induced through wrongful use of actual and threatened fear, in violation of Title 18, United States Code, Sections 1951(a) and 2.

B. Extortion Conspiracy

35. In or about and between July 1998 and July 2000, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others including John Doe #1 and John Doe #2, knowingly and intentionally conspired to obstruct, delay and affect commerce, and the movement of articles and commodities in commerce, by extortion, in that the defendant and others agreed



to obtain money, from John Doe #5, with the consent of John Doe

#5, which consent was to be induced through wrongful use of

actual and threatened fear, in  
violation of Title 18, United States  
Code, Section 1951(a). RACKETEERING  
ACT EIGHT (Halpern Construction - 2  
Broadway)

36. The defendant FREDERICK CONTINI committed the  
following acts, either one of which alone constitutes  
racketeering act eight:

A. Interstate Transportation of Property Obtained By Fraud

37. On or about and between April 1999 and February  
2001, both dates being approximate and inclusive, within the  
Southern District of New York and elsewhere, the defendant  
FREDERICK CONTINI, together with others including John Doe #2,  
did knowingly and intentionally transport, transmit, and  
transfer in interstate and foreign commerce securities and money  
in excess of \$5,000, to wit: checks from Halpern Construction to  
Covin Management, knowing the proceeds of the checks to have  
been converted and taken by fraud, in violation of Title 18,  
United States Code, Sections 2314 and 2.

B. Money Laundering

38. On or about and between April 1999 and February  
2001, within the District of New Jersey and elsewhere, the  
defendant FREDERICK CONTINI, together with others including John

Doe #2, did knowingly and intentionally conduct financial transactions, in and affecting interstate commerce, which in fact involved the proceeds of specified unlawful activity, to wit: interstate transportation of property converted and obtained by fraud, in violation of Title 18, United States Code, Section 2314 and mail fraud, in violation of Title 18, United States Code, Section 1341, knowing that the property involved in the financial transactions, to wit: checks from Halpern Construction to Covin Management, which were negotiated at City Check, represented the proceeds of some form of unlawful activity, and knowing that the financial transactions were designed in whole and in part to conceal and disguise the nature, the location, the source, the ownership and the control of the proceeds of the specified unlawful activity, in violation of Title 18, United States Code, Sections 1956(a)(1)(B)(i) and 2.

RACKETEERING ACT NINE (Obstruction of Justice)

39. On or about and between August 10, 2000 and April 2002, both dates being approximate and inclusive, within the Eastern District of New York and elsewhere, the defendant FREDERICK CONTINI, together with others, did knowingly, intentionally and corruptly endeavor to influence, obstruct and impede the due administration of justice with respect to a Grand Jury investigation of the construction project at 2 Broadway, by causing to be created fake invoices purporting to justify

certain payments to shell companies from Links Construction and World

Elevator, which payments were in fact kickbacks to CONTINI and others, in violation of Title 18, United States Code, Sections 1503 and 2.

(Title 18, United States Code, Sections 1962(d), 1963 and 3551 et seq.)

ROSLYNN R. MAUSKOPF UNITED  
STATES ATTORNEY EASTERN  
DISTRICT OF NEW YORK

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